

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IYANNA DAVIS,

DOCKET NO.: 11-CV-0076

Plaintiff,
-against -

COUNTY OF NASSAU, NASSAU COUNTY
POLICE OFFICER MICHAEL CAPOBIANCO,
Serial #6971, SGT. HERMANN, POLICE OFFICER
CARL CAMPBELL, POLICE OFFICER DWIGHT
BLANKENSHIP, POLICE OFFICER JOSEPH
GRELLA, POLICE OFFICER JOHN DOES #1-5,
NASSAU COUNTY DISTRICT ATTORNEY'S
OFFICE INVESTIGATOR THOMAS BIDELE,
NASSAU COUNTY DISTRICT ATTORNEY'S
OFFICE INVESTIGATORS JOHN DOES #2-5,
NASSAU COUNTY ASSISTANT DISTRICT
ATTORNEY JOHN DOES #1-5.

**DEFENDANTS'
DECLARATION IN
SUPPORT OF
SUMMARY JUDGMENT
MOTION**

Defendants.

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DIANE C. PETILLO, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, as follows:

1. The undersigned is employed as a Deputy County Attorney, in the Office of John Ciampoli, Nassau County Attorney, and hereby represents defendants County of Nassau, Police Officer Michael Capobianco, ("Capobianco") Sgt. Hermann, ("Hermann"), Police Officer Carl Campbell, ("Campbell") Police Officer Dwight Blankenship, ("Blankenship"), Police Officer Joseph Grella, ("Grella"), Nassau County District Attorney's Investigator Thomas Bidell, ("Bidell"), (the "Nassau County Defendants") in the above-captioned matter and as such, is fully familiar with the facts and circumstances set forth herein.

2. This Declaration and attached exhibits are being submitted in support of the Defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56.

3. Attached hereto as **Exhibit A** is a copy of Plaintiff's Second Amended Complaint, which was filed in the United States District Court on May 2, 2012.

4. Attached hereto as **Exhibit B** is a copy of Defendant's Answer to Plaintiff's Second Amended Complaint filed May 7, 2012.

5. Attached hereto as **Exhibit C** is a copy of the training records for Capobianco, Hermann, Campbell, Blankenship, and Grella, previously Bates stamped 000075-000127.

6. Attached hereto as **Exhibit D** is a copy of the Search Warrant Order signed by Judge Steven Jaeger on May 5, 2010, previously Bates stamped 000021-000023.

7. Attached hereto as **Exhibit E** is a copy of the Supporting Deposition of Elouise Hall taken May 13, 2012, previously Bates stamped 000035.

8. Attached hereto as **Exhibit F** is a copy of the Supporting Deposition of Joanna Little taken May 13, 2010, previously Bates stamped 000036.

9. Attached hereto **Exhibit G** is a copy of the documents regarding a prior incident with Davis which occurred on April 23, 2010, previously Bates stamped 000148-000152.

10. Attached hereto as **Exhibit H** is a copy of the relevant pages of the transcript of the 50H of Plaintiff held November 18, 2011.

11. Attached hereto as **Exhibit I** is a copy of the relevant pages of the transcript of the deposition of Police Officer Michael Capobianco held March 8, 2012.

12. Attached hereto as **Exhibit J** a copy of the relevant pages of the transcript of the deposition of Police Officer Carl Campbell held March 13, 2012.

13. Attached hereto as **Exhibit K** is a copy of the relevant pages of the transcript of the depositions of Police Officer Dwight Blankenship held March 12, 2012.

14. Attached hereto as **Exhibit L** is a copy of the relevant pages of the transcript of the deposition of Police officer Joseph Grella held March 12, 2012.

15. Attached hereto as **Exhibit M** is a copy of the relevant pages of the transcript of the deposition of Nassau County District Attorney's Office Investigator Thomas Bidell held March 28, 2012.

16. Attached hereto as **Exhibit N** is a copy of the relevant pages of the relevant pages of the deposition of Joel Wallack, MD held June 28, 2012.

17. Attached hereto as **Exhibit O** is a copy of the Curriculum Vitae of Dr. Michael Melamed together with his report regarding his examination of Plaintiff on June 7, 2012.

18. Attached hereto as **Exhibit P** is a copy of Plaintiff's medical records from Nassau University Medical Center.

19. Attached hereto as **Exhibit Q** is a copy of Plaintiff's medical records from Mercy Medical Center.

20. Attached hereto as **Exhibit R** is a copy of Plaintiff's psychological records.

21. Attached hereto as **Exhibit S** is the affidavit of Sgt. John Hermann.

21. As set forth more fully in the accompanying Memorandum of Law, the Defendants respectfully submit that an order granting the defendants' summary judgment pursuant to Federal Rule of Civil Procedure 56 is warranted.

Dated: Mineola, New York
August 1, 2012

_____/dcp/_____
DIANE C. PETILLO